

PROSE-PR,STAYED,TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-00780-KBJ

GABOR v. UNITED STATES OF AMERICA
Assigned to: Judge Ketanji Brown Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 04/27/2016
Jury Demand: None
Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)
Jurisdiction: U.S. Government Defendant

Plaintiff**MICHAEL D. GABOR**

represented by **MICHAEL D. GABOR**
R56277-060
ELKTON
FEDERAL CORRECTIONAL
INSTITUTION
Inmate Mail/Parcels
P.O. BOX 10
LISBON, OH 44432
PRO SE

V.

Defendant**UNITED STATES OF AMERICA**

represented by **Claire M. Whitaker**
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Date Filed	#	Docket Text
04/27/2016	<u>1</u>	COMPLAINT against UNITED STATES OF AMERICA (Filing fee \$ 0.00) filed by MICHAEL D. GABOR. (Attachments: # <u>1</u> Civil Cover Sheet)(jf) (Entered: 05/02/2016)
04/27/2016	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by MICHAEL D. GABOR (jf) (Entered: 05/02/2016)
04/27/2016	<u>3</u>	PRISONER TRUST FUND ACCOUNT STATEMENT for period of six months by MICHAEL D. GABOR (jf) (Entered: 05/02/2016)
04/27/2016	<u>4</u>	ORDER directing an initial partial filing fee in the amount of \$59.33 from Prison Account of Michael D. Gabor and granting <u>2</u> MOTION for Leave to Proceed In Forma Pauperis (see order for full details). Signed by Judge Rudolph Contreras on 04/21/2016. (jf) (Entered: 05/02/2016)

04/27/2016		Initiating Pleading & IFP Application Received on 04/11/2016. (sb) (Entered: 05/12/2016)
05/18/2016	<u>5</u>	SUMMONS (2) Issued as to UNITED STATES OF AMERICA, U.S. Attorney and U.S. Attorney General. (md) (Entered: 05/19/2016)
05/19/2016	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/9/2016. Answer due for ALL FEDERAL DEFENDANTS by 6/8/2016. (jf) (Entered: 05/19/2016)
05/26/2016	<u>7</u>	NOTICE of Appearance by Claire M. Whitaker on behalf of UNITED STATES OF AMERICA (Whitaker, Claire) (Entered: 05/26/2016)
06/08/2016	<u>8</u>	ANSWER to <u>1</u> Complaint by UNITED STATES OF AMERICA.(Whitaker, Claire) (Entered: 06/08/2016)
09/26/2016	<u>9</u>	MOTION to Compel Discovery by MICHAEL D. GABOR (jf) (Entered: 09/28/2016)
10/11/2016	<u>10</u>	MOTION for Briefing Schedule <i>and period of processing of records in this FOIA case</i> by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Declaration (Declaration of David Hardy), # <u>2</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 10/11/2016)
10/11/2016	<u>11</u>	RESPONSE re <u>9</u> MOTION to Compel <i>Discovery (See Docket Entry 10)</i> filed by UNITED STATES OF AMERICA. (Whitaker, Claire) (Entered: 10/11/2016)
10/27/2016	<u>12</u>	Memorandum in opposition to re <u>10</u> MOTION for Briefing Schedule <i>and period of processing of records in this FOIA case</i> filed by MICHAEL D. GABOR. (jf) (Entered: 10/31/2016)
11/04/2016	<u>13</u>	MOTION for Extension of Time to File Response/Reply to ECF No. 12 (<i>Plaintiff's Opposition to Proposed Schedule</i>) by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 11/04/2016)
11/14/2016	<u>14</u>	REPLY to opposition to motion re <u>10</u> MOTION for Briefing Schedule <i>and period of processing of records in this FOIA case</i> , <u>9</u> MOTION to Compel filed by UNITED STATES OF AMERICA. (Whitaker, Claire) (Entered: 11/14/2016)
02/08/2017	<u>15</u>	ORDER denying <u>9</u> Motion to Compel Discovery; granting <u>10</u> Motion for Briefing Schedule; granting nunc pro tunc <u>13</u> Motion for Extension of Time to File Reply. It is hereby ORDERED that Defendants motion for summary judgment is due on or before March 13, 2017; Plaintiffs consolidated opposition and cross-motion for summary judgment is due on or before April 13, 2017; Defendants consolidated reply and cross-motion opposition is due on or before May 15, 2017; and Plaintiffs cross-motion reply is due on or before June 8, 2017. Signed by Judge Ketanji Brown Jackson on 02/08/2017. (lckbj1,) (Entered: 02/08/2017)
03/07/2017	<u>16</u>	Mail Returned as undeliverable, sent to Michael Gabor; Type of Document Returned: #15 Order. Resent at new address: FCI Elkton, FCI, P.O. Box 10, Lisbon, OH 44432. (gdf) (Entered: 03/07/2017)
03/10/2017	<u>17</u>	MOTION for Extension of Time to <i>file Motion for Summary Judgment</i> by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 03/10/2017)
03/17/2017		MINUTE ORDER: Defendant's motion for an extension of time <u>17</u> is granted. Its Motion for Summary Judgment is due by March 22, 2017, Plaintiff's opposition and cross-motion for summary judgment is due by April 24, 2017; Defendant's reply and opposition to Plaintiff's cross-motion is due by May 24, 2017; Plaintiff's cross-motion reply is due by June 19, 2017. Signed by Judge Ketanji Brown Jackson on 3/17/17. (ms) (Entered: 03/17/2017)
03/17/2017		Set/Reset Deadlines: Cross Motions due by 4/24/2017. Response to Cross Motions due by 5/24/2017. Reply to Cross Motions due by 6/19/2017. Summary Judgment motions due by 3/22/2017. Response to Motion for Summary Judgment due by 4/24/2017. Reply to Motion for Summary Judgment due by 5/24/2017. (gdf) (Entered: 03/19/2017)

03/22/2017	<u>18</u>	MOTION for Summary Judgment by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Declaration (Declaration of David Hardy with exhibits), # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 03/22/2017)
04/14/2017	<u>19</u>	MOTION for Extension of Time by MICHAEL D. GABOR (jf) (Entered: 04/18/2017)
04/26/2017	<u>20</u>	MOTION for Extension of Time to by MICHAEL D. GABOR (Attachments: # <u>1</u> Text of Proposed Order)(zrdj) (Entered: 04/27/2017)
05/03/2017	<u>21</u>	ORDER granting Plaintiff's <u>19</u> <u>20</u> Motions for Extension of Time and setting revised motions schedule. Signed by Judge Ketanji Brown Jackson on 5/3/17. (ms) (Entered: 05/03/2017)
05/03/2017		Set/Reset Deadlines: Cross Motions due by 5/24/2017. Response to Cross Motions due by 6/26/2017. Reply to Cross Motions due by 7/10/2017. Response to Motion for Summary Judgment due by 5/24/2017. Reply to Motion for Summary Judgment due by 6/26/2017. (gdf) (Entered: 05/05/2017)
05/25/2017	<u>22</u>	Memorandum in opposition to re <u>18</u> MOTION for Summary Judgment filed by MICHAEL D. GABOR. (jf) (Entered: 05/26/2017)
05/25/2017	<u>23</u>	Cross MOTION for Summary Judgment by MICHAEL D. GABOR (jf) (Entered: 05/26/2017)
06/26/2017	<u>24</u>	Memorandum in opposition to re <u>23</u> Cross MOTION for Summary Judgment filed by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Declaration (Hardy Suppl. Decl and Ex. A), # <u>2</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 06/26/2017)
06/26/2017	<u>25</u>	REPLY to opposition to motion re <u>18</u> MOTION for Summary Judgment filed by UNITED STATES OF AMERICA. (Whitaker, Claire) (Entered: 06/26/2017)
07/10/2017	<u>26</u>	MOTION for Extension of Time by MICHAEL D. GABOR (jf) (Entered: 07/12/2017)
07/13/2017		MINUTE ORDER: Plaintiff's <u>26</u> Motion for Extension of Time is granted, and his Reply is due by August 4, 2017. Signed by Judge Ketanji Brown Jackson on 7/13/17. (ms) (Entered: 07/13/2017)
07/14/2017		Set/Reset Deadlines: Reply to motion for extension of time due by 8/4/2017. (gdf) (Entered: 07/14/2017)
07/24/2017	<u>27</u>	REPLY to opposition to motion re <u>23</u> Cross MOTION for Summary Judgment filed by MICHAEL D. GABOR. (Attachments: # <u>1</u> Text of Proposed Order)(zrdj) (Entered: 07/28/2017)
03/31/2018	<u>28</u>	ORDER denying without prejudice <u>18</u> Motion for Summary Judgment and <u>23</u> Motion for Summary Judgment, and requiring Defendant to submit a proposed schedule for supplemental submissions on or before 4/16/2018. Signed by Judge Ketanji Brown Jackson on 03/31/2018. (lckbj1) (Entered: 03/31/2018)
04/16/2018	<u>29</u>	PROPOSED BRIEFING SCHEDULE re <u>28</u> Order on Motion for Summary Judgment,,, Set/Reset Deadlines, by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 04/16/2018)
04/26/2018		MINUTE ORDER: It is hereby ORDERED that defendant shall file its renewed motion for summary judgment, supplemental declaration and Vaughn Index by June 20, 2018; plaintiff shall file his opposition and cross-motion for summary judgment by July 20, 2018; defendant shall file its reply and opposition by August 20, 2018; plaintiff shall file his reply by September 20, 2018. Signed by Judge Ketanji Brown Jackson on 4/25/18. (ms) (Entered: 04/26/2018)
04/30/2018		Set/Reset Deadlines: Cross Motions due by 7/20/2018. Response to Cross Motions due by 8/20/2018. Reply to Cross Motions due by 9/20/2018. Summary Judgment motions due by 6/20/2018. Response to Motion for Summary Judgment due by 7/20/2018. Reply to Motion for Summary Judgment due by 8/20/2018. Vaughn Index due by 6/20/2018, (gdf) (Entered: 04/30/2018)
06/15/2018	<u>30</u>	MOTION for Extension of Time to <i>File Renewed Motion For Summary Judgment</i> by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(Graham-Oliver, Heather) (Entered: 06/15/2018)

06/26/2018		MINUTE ORDER: For good cause shown, it is hereby ordered that defendant's <u>30</u> Motion for Extension of Time is granted. Defendant shall file its summary judgment motion by July 20, 2018; plaintiff shall file his opposition and cross-motion by August 20, 2018; defendant shall file its reply and opposition to plaintiff's cross-motion by September 20, 2018; plaintiff shall file his reply by October 20, 2018. Signed by Judge Ketanji Brown Jackson on 6/24/18. (ms) (Entered: 06/26/2018)
06/26/2018		Set/Reset Deadlines: Summary Judgment motion due by 7/20/2018. Response to Motion for Summary Judgment and Cross Motion due by 8/20/2018. Reply to Motion for Summary Judgment and Response to Cross Motion due by 9/20/2018. Reply to Cross Motion due by 10/20/2018. (gdf) (Entered: 06/26/2018)
07/17/2018	<u>31</u>	MOTION for Extension of Time to (<i>briefing schedule for two weeks</i>) by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 07/17/2018)
07/20/2018		MINUTE ORDER: It is hereby ORDERED that Defendant's Motion for an extension of time <u>31</u> is GRANTED. The time for filing Defendant's Renewed Motion for Summary Judgment is extended to August 3, 2018; Plaintiff's consolidated opposition and cross-motion for summary judgment is due by September 4, 2018, Defendant's consolidated reply and cross-motion opposition is due by September 21, 2018; and Plaintiff's cross-motion reply is due by October 12, 2018. Signed by Judge Ketanji Brown Jackson on 7/20/18. (ms) (Entered: 07/20/2018)
07/20/2018		Set/Reset Deadlines: Cross Motions due by 9/4/2018. Response to Cross Motions due by 9/21/2018. Reply to Cross Motions due by 10/12/2018. Summary Judgment motions due by 8/3/2018. Response to Motion for Summary Judgment due by 9/4/2018. Reply to Motion for Summary Judgment due by 9/21/2018. (gdf) (Entered: 07/20/2018)
08/03/2018	<u>32</u>	MOTION for Extension of Time to <i>File Renewed Motion for Summary Judgment and Declaration and Vaugh index under Seal</i> by UNITED STATES OF AMERICA (Graham-Oliver, Heather) (Entered: 08/03/2018)
08/06/2018	<u>33</u>	MOTION for Extension of Time to <i>File Renewed Motion for Summary Judgment</i> by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(Graham-Oliver, Heather) (Entered: 08/06/2018)
08/09/2018		MINUTE ORDER: It is hereby ORDERED that defendant's <u>32</u> <u>33</u> motions for extensions of time are GRANTED nunc pro tunc, and its renewed motion for summary judgment is due by August 21, 2018. Signed by Judge Ketanji Brown Jackson on 8/9/18. (ms) (Entered: 08/09/2018)
08/09/2018		Set/Reset Deadlines: Renewed Summary Judgment motion due by 8/21/2018. (gdf) (Entered: 08/09/2018)
08/21/2018	<u>34</u>	NOTICE (<i>Defendant's Notice of Submission in Camera</i>) by UNITED STATES OF AMERICA re <u>28</u> Order on Motion for Summary Judgment,,,, Set/Reset Deadlines, (Graham-Oliver, Heather) (Entered: 08/21/2018)
08/21/2018	<u>35</u>	MOTION for Summary Judgment (<i>Renewed</i>) by UNITED STATES OF AMERICA (Graham-Oliver, Heather) (Entered: 08/21/2018)
08/29/2018	<u>36</u>	Order advising plaintiff to respond by 10/1/2018 to <u>35</u> Defendant's Renewed Motion for Summary Judgment. Signed by Judge Ketanji Brown Jackson on 8/29/18. (ms) (Entered: 08/29/2018)
09/17/2018	<u>37</u>	MOTION for Extension of Time to File Response as to <u>35</u> MOTION for Summary Judgment (<i>Renewed</i>) by MICHAEL D. GABOR (jf) (Entered: 09/19/2018)
09/25/2018		MINUTE ORDER: Plaintiff's <u>37</u> Motion for Extension of Time is hereby GRANTED, and his opposition or other response to defendant's renewed motion for summary judgment <u>35</u> is due by 10/31/2018. Signed by Judge Ketanji Brown Jackson on 9/25/18. (ms) (Entered: 09/25/2018)
10/11/2018	<u>38</u>	CERTIFICATE OF SERVICE by UNITED STATES OF AMERICA re <u>35</u> MOTION for Summary Judgment (<i>Renewed</i>) (<i>Amended</i>). (Graham-Oliver, Heather) (Entered: 10/11/2018)

10/22/2018	<u>39</u>	Memorandum in opposition to re <u>35</u> MOTION for Summary Judgment (<i>Renewed</i>) filed by MICHAEL D. GABOR. (jf) (Entered: 10/24/2018)
10/22/2018	<u>40</u>	ENTERED IN ERROR.....Cross MOTION for Summary Judgment by MICHAEL D. GABOR (Attachments: # <u>1</u> Exhibit)(jf) Modified on 10/24/2018 (zjf). (Entered: 10/24/2018)
10/22/2018	41	Cross MOTION for Summary Judgment by MICHAEL D. GABOR. (See Docket Entry <u>39</u> to view document) (jf) (Entered: 10/24/2018)
10/24/2018		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>40</u> MOTION for Summary Judgment was entered in error and will be refiled in the correct case. (jf) (Entered: 10/24/2018)
11/01/2018	<u>42</u>	MOTION for Extension of Time to <i>Reply and Oppose Plaintiff's Cross Motion for Summary Judgment</i> by UNITED STATES OF AMERICA (Graham-Oliver, Heather) (Entered: 11/01/2018)
11/06/2018		MINUTE ORDER: Defendant's <u>42</u> Motion for Extension of Time is granted. Defendant shall file its reply and its opposition to plaintiff's cross-motion for summary judgment by November 28, 2018. Signed by Judge Ketanji Brown Jackson on 11/6/18. (ms) (Entered: 11/06/2018)
11/06/2018		Set/Reset Deadlines: Reply to Motion for Summary Judgment due by 11/28/2018. Response to Cross Motion due by 11/28/2018. (gdf) (Entered: 11/07/2018)
11/28/2018	<u>43</u>	MOTION for Extension of Time to File Response/Reply as to 41 MOTION for Summary Judgment, <u>35</u> MOTION for Summary Judgment (<i>Renewed</i>) by UNITED STATES OF AMERICA (Graham-Oliver, Heather) (Entered: 11/28/2018)
12/10/2018		MINUTE ORDER GRANTING <u>43</u> Defendant's Motion for Extension of Time and STAYING consideration of <u>35</u> Renewed Motion for Summary Judgment and <u>39</u> Renewed Cross Motion for Summary Judgment. In light of the Government's representations that it is reconsidering its invocation of FOIA Exemption 7A, it is hereby ORDERED that briefing on and consideration of the pending cross-motions for summary judgment are ADMINISTRATIVELY STAYED. It is FURTHER ORDERED that, notwithstanding this administrative stay, the Government shall file a status report on or before 12/12/2018 that proposes a schedule for further proceedings in this matter. Signed by Judge Ketanji Brown Jackson on 12/10/2018. (lckbj1) (Entered: 12/10/2018)
12/12/2018	<u>44</u>	STATUS REPORT by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Text of Proposed Order)(Graham-Oliver, Heather) (Entered: 12/12/2018)
12/13/2018		MINUTE ORDER. In light of the representations made in Defendant's <u>44</u> Status Report, it is hereby ORDERED that Defendant's <u>35</u> Motion for Summary Judgment and Plaintiff's 41 Cross-Motion for Summary Judgment are DENIED without prejudice as moot. It is FURTHER ORDERED that Defendant shall file, on or before 4/11/2019, and every 30 days thereafter, a report updating this Court on the status of its processing and production of records responsive to Plaintiff's FOIA request and proposing a schedule for further proceedings, if litigation is going to be necessary. Signed by Judge Ketanji Brown Jackson on 12/13/2018. (lckbj1) (Entered: 12/13/2018)
12/26/2018	<u>45</u>	STATUS REPORT by MICHAEL D. GABOR. (jf) (Entered: 01/02/2019)